

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THERESA RESPICIO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 13-cv-05578 RJB

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 14.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, the Administrative Law Judge shall hold a
2 new hearing and issue a new decision, and plaintiff may raise any issue and submit additional
3 evidence in support of her claim. The ALJ shall evaluate whether or not plaintiff has the
4 medically determinable impairment of pseudotumor cerebri at step two, and if so, whether or not
5 this impairment is severe; and, if warranted, the ALJ shall obtain medical expert testimony
6 regarding the nature and severity of plaintiff's impairments. The ALJ also will reconsider
7 plaintiff's residual functional capacity, and, if necessary, obtain supplemental vocational expert
8 testimony, identifying and resolving any conflicts between the vocational expert testimony and
9 information in the Dictionary of Occupational Titles.

10 Following proper presentation, this Court will consider plaintiff's application for costs
11 and attorney's fees pursuant to 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

12 Given the facts and the parties' stipulation, the Court recommends that the District Judge
13 immediately approve this Report and Recommendation and order that the case be **REVERSED**
14 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

15 Dated this 12th day of November, 2013.

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17 J. Richard Creatura
18 United States Magistrate Judge
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